

1 Christopher S. Marchese (SBN 170239)
2 marchese@fr.com
3 FISH & RICHARDSON P.C.
4 633 West Fifth Street, 26th Floor
5 Los Angeles, CA 90071
6 Tel: (213) 533-4240 / Fax: (858) 678-5099

7 Adam R. Shartzer (admitted *pro hac vice*)
8 shartzer@fr.com

9 Ruffin B. Cordell (admitted *pro hac vice*)
10 cordell@fr.com

11 Richard A. Sterba (admitted *pro hac vice*)
12 sterba@fr.com

13 Ralph A. Phillips (admitted *pro hac vice*)
14 rphillips@fr.com

15 Michael J. Ballanco (admitted *pro hac vice*)
16 ballanco@fr.com

17 FISH & RICHARDSON P.C.
18 1000 Maine Ave., SW, Suite 1000
19 Washington, DC 20024
20 Tel: (202) 783-5070 / Fax: (202) 783-2331

21 *Additional Counsel Listed on Signature Page*

22 Attorneys for Defendant
23 DISH Network Corporation, et al.

24 IN THE UNITED STATES DISTRICT COURT

25 CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION

26 ENTROPIC COMMUNICATIONS,
27 LLC,

28 Plaintiff,

v.

DISH NETWORK CORPORATION;
DISH NETWORK L.L.C.; DISH
NETWORK SERVICE L.L.C.; AND
DISH NETWORK CALIFORNIA
SERVICE CORPORATION,

Defendants.

Case No. 2:23-cv-1043-JWH-KES

**DEFENDANT DISH NETWORK
CORPORATION, ET AL.'S NOTICE
OF RULE 12(b)(6) MOTION TO
DISMISS UNDER 35 U.S.C. § 101**

Hearing Date: June 9, 2023

Hearing Time: 9:00 a.m.

Courtroom: 9D

Judge: Hon. John W. Holcomb

1 TO PLAINTIFF AND THEIR COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE THAT on June 9, 2023 at 9:00 a.m., or as soon
3 thereafter as the matter may be heard in the United States District Court, Central
4 District of California, Southern Division, located at 411 West Fourth Street,
5 Courtroom 9D, Santa Ana, California 92701, before the Honorable John W. Holcomb,
6 Defendants DISH Network Corporation, DISH Network L.L.C., Dish Network
7 Service L.L.C., and DISH Network California Service Corporation (collectively,
8 “Defendants” and “DISH”) will move, and hereby do move to dismiss Counts VI and
9 X of Plaintiff’s Complaint with prejudice because U.S. Patent Nos. 10,257,566 and
10 8,228,910 are invalid as a matter of law under 35 U.S.C. § 101 for claiming patent-
11 ineligible subject matter.

12 This motion is made pursuant to Fed. R. Civ. P. 12(b)(6) and the Local Rules
13 applicable thereto. This motion is based on this notice of motion and motion, the
14 accompanying memorandum of points and authorities, the pleadings on file in this
15 action, and on such other written or oral argument or evidence as may be presented at
16 or before the time this motion is taken under submission.

17 This motion is made following the conference of counsel pursuant to Local
18 Rule 7-3, which took place on May 1, 2023. Plaintiff confirmed it will oppose the
19 motion.

1 Dated: May 8, 2023

FISH & RICHARDSON P.C.

2

3

4

5

6

By: /s/ Christopher S. Marchese

Christopher S. Marchese (SBN 170239)
marchese@fr.com
633 West Fifth Street, 26th Floor
Los Angeles, CA 90071
Tel: (213) 533-4240

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

Adam R. Shartzer *pro hac vice*)

shartzer@fr.com

Ruffin B. Cordell (*pro hac vice*)

cordell@fr.com

Richard A. Sterba (*pro hac vice*)

sterba@fr.com

Ralph A. Phillips (*pro hac vice*)

rphillips@fr.com

Michael J. Ballanco (*pro hac vice*)

ballanco@fr.com

FISH & RICHARDSON P.C.

1000 Maine Ave., SW, Suite 1000

Washington, DC 20024

Tel: (202) 783-5070

David M. Barkan (SBN 160825)

barkan@fr.com

FISH & RICHARDSON P.C.

500 Arguello Street, Suite 400

Redwood City, CA 94063

Tel: (650) 839-5070

Ashley A. Bolt (*pro hac vice*)

bolt@fr.com

FISH & RICHARDSON P.C.

1180 Peachtree Street NE, 21st Floor

Atlanta, GA 30309

Tel: (404) 892-5005

Attorneys for Defendants

DISH Network Corporation, et al.